

NOSB Policy Development Committee
Recommendation for Communication from USDA to AAPFCO
Concerning use of the Word “Organic” on Fertilizer Labels
Draft 1 – January 26, 2005

Introduction:

The National Organic Standards Board (NOSB) recommends that the USDA communicate support for changes to fertilizer labeling categories and definitions being considered by the Association of American Plant Food Control Officials (AAPFCO) regulating use of the word “organic” on fertilizer labels.

Background:

The NOSB considered and endorsed proposed changes to AAPFCO fertilizer labels as part of the “Scope” position paper, accepted by the Board during the October 2004 meeting.

The NOSB expressed support for changes to fertilizer label claims regulated by AAPFCO to ensure that the word “organic,” when used on fertilizer labels, is consistent with the requirements for organic production under the USDA National Organic Program (NOP).

AAPFCO is reconsidering the existing terms: “organic fertilizer,” “natural organic fertilizer,” “natural fertilizer,” and “organic base fertilizer.” If adopted, proposed changes would assure uniformity and consistency in the marketplace and protect organic farmers from serious consequences resulting from use of a substance prohibited under USDA organic regulations.

Currently, AAPFCO allows the use of the word “organic” on fertilizers that may contain urea, sewage sludge (biosolids), and other substances prohibited under NOP regulations. Certified organic farmers who inadvertently apply a product labeled as AAPFCO-approved “organic,” which may contain materials prohibited for use in organic production, are liable to lose organic certification for three years, with ensuing loss of income.

The USDA has specific requirements for product inputs that are permitted on certified organic farms. The rules permit non-synthetic materials and a specific list of synthetic materials. For example, compost must meet specific requirements, and sewage sludge/biosolids are prohibited.

A consistent “organic” labeling term permitted for use on fertilizers and soil amendments would assure uniformity and limit confusion caused by the differing meanings of other terms currently in use for fertilizers, including T-12 – organic, T-13 – natural organic, and T-36 – natural fertilizer. The current meanings of these terms conflict with the USDA organic rules in that they permit the use of ingredients that are prohibited for organic production.

It has come to the attention of the NOSB that USDA-accredited organic certification agencies and organic inspectors have observed frequent problems and confusion due to the different definitions used for “organic” labeling of fertilizers and soil amendments.

Although many products making organic claims may comply with NOP regulations, many do not. Certifiers, farmers, and inspectors cannot trust AAPFCO-regulated labeling as it exists, and must re-verify all products used.

The use “organic” fertilizers containing prohibited ingredients can also have negative impacts on small farmers, who are exempt from certification, but still must follow the NOP regulation in order to sell their products as organic. Products used by exempt producers are not listed on an Organic System Plan and are not reviewed by a certifying agent. Exempt producers, who can legally use the word “organic” on their products, are especially vulnerable to misleading or confusing fertilizer labels.

Options:

1. No Action

USDA can choose not to endorse proposed fertilizer label changes. If AAPFCO rejects the proposal to change fertilizer label claims, the word “organic” will continue to be used on fertilizers that contain substances prohibited by the NOP. This will lead to continued noncompliances by certified operations and violations by exempt operations. It will also mean that inspectors and certifying agents will have to continue to use valuable resources to verify the status of fertilizers.

2. Endorse Proposed Changes

USDA has the opportunity to support proposed changes to AAPFCO-regulated fertilizer labels. If fertilizer labels are changed to require that the word “organic” is used only on products that are approved under the NOP, producers, inspectors, and certifying agents will be provided with adequate information to assure regulatory compliance. Support for the proposed changes adheres to the purposes of the Organic Foods Production Act, one of which is to assure that “organic” products meet a consistent standard.

Recommendation:

In order to address the problems described above and assure consistent use of the word “organic” on fertilizer labels, the NOSB recommends that the USDA accept Option 2 and communicate its support to AAPFCO for the following changes to AAPFCO-regulated fertilizer labels:

(The suggested additions are underlined, and deleted text is indicated as ~~struck out~~.)

T-12 organic fertilizer: - ~~A material containing carbon and one or more elements other than hydrogen and oxygen essential for plant growth.~~ When applied to a product, to a compound, to a mixture of compounds or to a specific constituent used as an ingredient, “organic” means that the claim of the product, compound, mixture of compounds, or constituent to be organic has been allowed or allowed with restriction by the United States Department of Agriculture’s National Organic Program as specified in 7 CFR Part 205.

T- 13. Natural ~~organic fertilizer~~ materials– materials derived from either plant, animal or mineral products containing one or more elements ~~(other than carbon, hydrogen and oxygen)~~ which are essential for plant growth. These materials may be subjected to biological degradation processes under normal conditions of aging, rainfall, sun-curing,

air drying, composting, rotting, enzymatic, or anaerobic/anaerobic bacterial action, or any combination of these. These materials shall not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by manipulations such as drying, cooking, chopping, grinding, shredding, enzymatic hydrolysis, or pelleting. (Official, 1994)

T-36 Natural Fertilizer – A substance composed only of natural materials ~~organic~~ and/or natural inorganic fertilizer materials and natural fillers. (Official 1993)

~~T-39. Organic Base Fertilizer~~ — ~~A mixed fertilizer where more than half of the fertilizer materials is organic and where more than half of the sum of the guaranteed primary nutrient percentages is derived from organic materials. (Official 1995)~~

Comment: This definition should be removed. It is not possible for a fertilizer to be partly compliant with the NOP regulation. Claims for natural base fertilizer can still be made.

Committee vote:

3 yes, 1 no, 2 absent.

Conclusion

Adjustment of fertilizer terms will help reduce the confusion caused by multiple definitions of the word “organic.” By adopting the uniform definition being considered by AAPFCO, manufacturers will be able to distinguish products that are suitable for organic production, and buyers will be more able to determine which products are suitable. Consistent use of the word “organic” will aid organic farmers seeking products that will not compromise their organic certification status or violate their status as exempt operations.

Minority Report:

It is not the best approach for this board to suggest a change to a term used to define materials that are constructed of a carbon based molecular structure. It is clear that there are many more textbooks written on “organic” chemistry than “organic” farming. The term organic has applied to chemistry for much longer than “organic” as it applies to farming systems. Likewise, the term has a historic international recognition.

There has been confusion between the historic use of the term in the fertilizer (and chemical) industry as opposed to the newer definition of the term defined in 7 CFR part 205. However, it is the responsibility of our industry to respect existing labeling schemes and offer solutions that allow for co-existence without forcing changes. It is suggested that the industry offer a new labeling claim that accommodates the organic farmers' need without imposing changes on existing claims. (i.e. “appropriate for use in organic farming systems”) This would allow organic farmers a clear understanding of the products that meet their requirements under organic farming systems plans without imposing a requirement for re-labeling of existing products. This solution would be

advantageous to the manufactures of these organic products that are also fit for use in organic farming system.